

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA

-v-

MARTHA SCALES

FILED
IN CLERK'S OFFICE
U. S. DISTRICT COURT E.D. N.Y.

JUDGMENT INCLUDING SENTENCE
UNDER THE SENTENCING REFORM ACT

CASE NUMBER: CR 95 1126-2

AUSA- DAVID PORTER, ESQ.

★ APR 3 1997 ★
TIME AM. _____
PM. _____

C. PETER DAVID, ESQ.
822 CLARKSON AVE.
BROOKLYN, NEW YORK 11203
Defendant's Attorney & Address

THE DEFENDANT:

_____ pleaded guilty to count OF THE INDICTMENT.

X was found guilty on counts 1,2 & 3 OF THE INDICTMENT after a plea of not guilty.

Accordingly, the defendant is ADJUDGED guilty of such count(s), which involve the following offenses:

<u>TITLE & SECTION</u>	<u>NATURE & OFFENSE</u>	<u>COUNT NUMBER(S)</u>
21 USC 963 & 960(b)(2)	CONSPIRACY TO IMPORT COCAINE INTO US	1
21 USC 952(a) & 960(b)(2)	IMPORTATION OF COCAINE INTO US	2
21 USC 841(a)(1) & 841(b)(1)(B)	POSSESSION W/INTENT TO DIST. COCAINE	3

The defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

_____ The defendant has been found not guilty on count(s) and is discharged as to such count(s).

_____ The remaining counts are dismissed on the motion of the United States.

X It is ordered that the defendant shall pay to the United States a special assessment of \$ 150.00.

It is further ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of residence or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid.

Soc. Sec # 466-94-3512
FBI # 426592EA8
USM # 51005-053
NYSID: 03590001
Defendant's Mailing Address:
611 ARGYLE RD. APT 6I
BKLYN, NY 11230

3-21-97
Date of Imposition of Sentence
Frederic Block
FREDERIC BLOCK, U.S.D.J.
March 26, 1997
Date

A TRUE COPY ATTEST

Date: 3-27-97

ROBERT C. HEINEMANN, CLERK

BY: EILEEN LEVINE, DEPUTY CLERK

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IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 78 MONTHS ON EACH OF COUNTS 1,2 & 3 OF THE INDICTMENT. THE PRISON TERMS IMPOSED ON EACH COUNT SHALL RUN CONCURRENT ON EACH COUNT FOR A TOTAL TERM OF IMPRISONMENT OF 78 MONTHS.

___ The Court makes the following recommendations to the Bureau of Prisons:

___ The defendant is remanded to the custody of the United States Marshal.
___ The defendant shall surrender to the United States Marshal for this district,

___ at ___ a.m./p.m. on _____.
___ as notified by the Marshal.

___ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons

___ before 2:p.m. on _____.
___ as notified by the United States Marshal.
___ as notified by the Probation Office.

RETURN

I have executed this Judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this Judgment.

United States Marshal

By _____

=====

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 4 YEARS ON EACH OF COUNTS 1,2 & 3 OF THE INDICTMENT. THE SUPERVISED RELEASE TERMS IMPOSED ON EACH COUNT SHALL RUN CONCURRENT ON EACH COUNT FOR A TOTAL TERM OF SUPERVISED RELEASE OF 4 YEARS.**

Special condition(s) of supervised release:

** 1. THE DEFENDANT SHALL NOT POSSESS A FIREARM.

X The defendant shall pay any fines that remain unpaid at the commencement of the term of supervised release.

STANDARD CONDITIONS OF SUPERVISION

While the defendant is on supervised release pursuant to this Judgment:

- 1) The defendant shall not commit another Federal, state or local crime;
- 2) The defendant shall not leave the judicial district without the permission of the court or probation officer;
- 3) The defendant shall report to the probation officer as directed by the court or probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 4) The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 5) The defendant shall support his or her dependents and meet other family responsibilities;
- 6) The defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 7) The defendant shall notify the probation officer within seventy-two hours of any change in residence or employment;
- 8) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance, or any paraphernalia related to such substances, except as prescribed by a physician;
- 9) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 10) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 11) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view by the probation officer;
- 12) The defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 13) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 14) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

These conditions are in addition to any other conditions imposed by this Judgment.

FINE WITH SPECIAL ASSESSMENT

The defendant shall pay to the United States the sum of \$ 150.00, consisting of a fine of \$ 0 and a special assessment of \$ 150.00.

— These amounts are the totals of the fines and assessments imposed on individual counts, as follows:

This sum shall be paid — immediately

— as follows:

— The Court has determined that the defendant does not have the ability to pay interest. It is ordered that:

— The interest requirement is waived.

— The interest requirement is modified as follows:

STATEMENT OF REASONS

_____ The court adopts the factual findings and guideline application in the presentence report.

OR

 X The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary)
DEFT GIVEN 2 LEVEL REDUCTION UNDER 2D1.1.

Guideline Range Determined by the Court:

Total Offense Level: 28

Criminal History Category: I

Imprisonment Range: 78 to 97 months

Supervised Release Range: 4 to 5 years

Fine Range: \$ to \$

 X Fine is waived or is below the guideline range, because of the defendant's inability to pay.

Restitution: \$

_____ Full restitution is not ordered for the following reason(s):

 X The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

_____ The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

The sentence departs from the guideline range

_____ Upon motion of the government, as a result of defendant's substantial assistance.

_____ for the following reason(s):